

Delegated Report

Planning Ref: 23/00877/HOU

Applicant: Mr Ian Food

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 53 Sapcote Road Burbage Leicestershire

Proposal: Addition of a first floor balcony to rear elevation

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks planning permission for a first floor balcony to the rear elevation gable of a dwelling, 53 Sapcote Road, Burbage. The balcony would project 1 metre from the rear elevation for a width of 4 metres and be set in from both side elevations by 0.65 metres. It would have a floor height of just under 3 metres and a stainless steel framed balustrade with clear glazing around it to an additional height of 1.1 metres. The balcony and its two supporting posts would be constructed with a metal frame finished in anthracite grey. The existing first floor window would be replaced by double glazed doors.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage in a residential area. It is a 1½ storey detached cottage accessed along a long private driveway and occupying a back-land location with a large plot to its rear and grassed paddocks and open fields beyond to the north. It has a 'T' shaped footprint with gabled roof form and a lean-to roofed porch and dual pitched roof dormer windows to its side elevation. It is constructed with smooth beige rendered walls, large plain grey concrete roof tiles and white uPVC windows.
- 3.2. There is an extensive patio area to the immediate rear surfaced with anthracite grey decking and concrete paving. Beyond that there is a large, grassed area, and an additional grassed paddock with timber post and rail fencing beyond. To the east there is a side garden to the application dwelling and a grassed paddock to a neighbouring dwelling (No. 57) screened by a number of mature trees within its boundary. To the west there is a large area of loose stone surfaced hard standing and a detached double garage.

4. Relevant planning history

98/00775/FUL

- Alterations and extensions to dwelling
- Permitted
- 16.11.1998

12/00025/FUL

- Extensions and alterations to dwelling
- Permitted
- 05.04.2012

15/00815/HOU

- Single storey rear extension
- Permitted
- 18.09.2015

20/00842/HOU

- Single storey detached double garage
- Permitted
- 16.11.2020

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No objection has been received from Burbage Parish Council.

7. Policy

- 7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)
- No relevant policies
- 7.2. Core Strategy (2009)
- No relevant policies
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Extensions and alterations to existing domestic properties within urban settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

Design and impact upon the character of the area

- 8.2. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass,

design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. Burbage Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3). The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and states that: *'Fenestration, including the scale, rhythm, proportions and elements of detail used for window and door openings plays a critical role in the success of housing design, care should be taken to ensure that the existing horizontal and vertical rhythm together with the proportion of openings is either reflected or complemented.'*

- 8.3 By virtue of its modest 1 metre projection, appropriate 4 metres width and being set in from both side elevations by 0.65 metres centrally above the existing double patio doors/windows to a floor height of 3 metres, the proposed balcony, glazed balustrade and double doors would be of appropriate proportions and would sit comfortably within the rear gable elevation of the dwelling. The proposed external materials of a metal frame and two supporting posts finished in anthracite grey and a stainless steel framed balustrade with clear glazing to a height of 1.1 metres would complement the appearance of the existing dwelling and are considered to be acceptable. The proposal would not be visible from any public areas.
- 8.4 By virtue of its siting, scale, design and appearance the proposal would respect and complement the scale, character and appearance of the existing dwelling and be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.
- Impact upon neighbouring residential amenity
- 8.5 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.6 The proposed balcony would look directly over the applicants own patio area and wide plot including grassed areas and loose stone surfaced hardstanding. There would be a 22 metres separation distance from side views to the west boundary of the site with 45a Sapcote Road which is defined by a 2 metres high solid close boarded timber fence. Mature trees within the adjacent grassed paddock of 57 Sapcote Road to the east limit any side views in that direction. There are no sensitive private amenity areas of any neighbouring properties that would be overlooked by the proposed balcony.
- 8.7 By virtue of the siting relative to neighbouring dwellings and separation distances the proposal would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from any neighbouring properties.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposals relate to an extension and alteration to an existing dwelling located within the urban settlement boundary of Burbage where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of its siting, scale, design appearance and separation distances the proposal would respect and complement the scale, character and appearance of the existing dwelling and surrounding area and would have no significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposal would therefore be in accordance Policy DM10 of the adopted SADMP and the adopted Good Design Guide and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Proposed Block Plan, Proposed Floor Plans and Proposed Elevations Drawing No. ND.23.179.01 Rev B received by the local planning authority on 23 November 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the proposed extension and alteration shall be in accordance with the materials details submitted on the approved Proposed Rear Elevation Drawing No. ND.23.179.01 Rev B received by the local planning authority on 23 November 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.